

City Council Chamber, City Hall, Tuesday, March 4, 2008

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, March 4, 2008, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Adrian Garcia James G. Rodriguez, Peter Brown, Sue Lovell and Melissa Noriega; Ms. Connie Acosta, Division Chief, Labor Division, Legal Department; Ms. Debra Dillard, Citizens Assistance Office; and Ms. Marta Crinejo, Assistant Agenda Director present. Council Members Ronald C. Green and Jolanda "Jo" Jones absent on personal business.

At 2:03 p.m. Mayor White called the meeting to order and stated that Council Member Khan would begin presentations. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Garcia, Holm, Rodriguez, Brown, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Khan stated that this was the twelfth year the Sister Cities of Houston participated in the Sister Cities International Showcase of Young Artists and two students from Houston won the international competition in years past; that ages 13 through 18 used imagination to express their concept of the Sister City mission and invited Ms. Ellen Goldberg, president of Sister Cities of Houston, to the podium. Ms. Goldberg stated that on behalf of Sister Cities of Houston they wanted to recognize winners of the contest with this year's theme being "My Community" and invited Miss Tiffany Bellfait the first place winner; Mr. Alejandro Jose Morales the second place winner and honorable mentions to the podium and presented them acknowledgments. Council Members Rodriguez absent.

At 2:11 p.m. Council Member Holm led all in the prayer and pledge. Council Members Rodriguez absent.

At 2:12 p.m. the City Secretary called the roll. Council Members Green and Jones absent on personal business. Council Member Rodriguez absent.

Council Members Khan and Lovell moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Green and Jones absent on personal business. Council Member Rodriguez absent. MOTION ADOPTED.

Council Member Noriega moved the rules be suspended for the purpose of hearing Ms. Bettie Agnew after Ms. Helen Doris Day, seconded by Council Member Khan. All voting aye. Nays none. Council Members Green and Jones absent on personal business. Council Member Rodriguez absent.. MOTION 2007-0168 ADOPTED.

At 2:13 p.m. the City Secretary began calling the public speakers. Council Member Rodriguez absent.

Mr. Juan Giraldo, 2801 Post Oak, Houston, Texas 77057 (281-685-9352) appeared, presented information and stated that it was a great opportunity to present such a proposed prosperous project to the City of Houston; that he was an architect and CEO of Link International Design, a company of developers, architects and builders, and today he was presenting the international sports center of Houston; that this project intended to participate on the dynamic development of this modern and attractive city and they were committed to bring the image to Houston of the national and international level and it would bring more than 6,000 new jobs; that the sports center would be a new landmark in Houston; that great cities were recognized by great landmarks and Houston needed to be identified by a dynamic landmark which integrated sports, entertainment, retail, condominiums, hotels and public areas, etc., that the international sports center proposed to develop an urban project which intended to be a new stadium for soccer, concerts, festivals, etc., and the \$240 million stadium would be an interacted

building with 250,000 square feet of retail space at the ground floors 250,000 square feet of office suites at the upper levels and inside the building they planned to have a 58,000 square feet of concessions and public areas and outside the stadium they intended to develop 139 acres. Council Members Lawrence and Rodriguez absent.

Upon questions by Council Member Clutterbuck, Mr. Giraldo stated that this project had been on the drafting board for more than six months and now they had commitment of investors to spend \$750 million to develop the project and they had commitment of the land owners to develop the project; that the Houston Dynamos were two time champions and Houston was the fourth largest city and this would bring much; that the location was Clinton Drive and Jenson, the land belonged to KBR and they were willing to accept an offer from them; that they would purchase the land and build the project with private investor dollars and the City of Houston and Houston Dynamos would not have to spend a single dollar; that they met with Mr. Oliver Ladd the president of the team five times and were scheduled to meet again Thursday; that Oliver was also endorsing another project with the city across from the Toyota Center, but they had everything in place and he would ask the city to endorse their project; that this was not just about a soccer stadium, but about leaving a mark on the urban design of a great city; and Council Member Clutterbuck stated that this was a very intriguing offer and if Mr. Giraldo and his group had five meetings with Oliver Ladd and the Dynamo team and were willing to put into private dollars into such an amazing stadium she would welcome a conversation about it. Council Member Holm absent.

Council Member Garcia thanked Mr. Giraldo for coming and stated that they were always looking for ideas and he approached them with concepts which could help the taxpayer; that the proposal was very interesting and he was glad they had meetings with Oliver and he would like to visit with him also; that he thanked them for stepping up with answers to resolving challenges. Council Member Holm absent.

Upon questions by Council Member Johnson, Mr. Giraldo stated that this was not a solicited proposal but they felt it was the right time to present the project; that at this point they had 100% commitment on the investor side; that they were lucky with this project the investor wanted to develop the whole project including purchase of land and the development of the residential and retail area and construction of the stadium; that it was all private investors; that the only thing pending right now was access to the location which they would have to get the Department of Transportation involved in, how to get ramps onto the site, but they did need endorsement and support of the City of Houston and Harris County to make the project a reality; and Council Member Johnson stated that this would be in his district and it was his first time hearing about it and he would like to speak with him further; that it was a beautiful rendering; and Mr. Giraldo stated that he would be glad to send the entire proposal to his office. Council Member Holm absent.

Council Member Brown stated that he was familiar with the property and it was an intriguing proposal; that he thought one consideration should be direct access to the light rail system and it would be designed as a transit oriented development, but it was not necessarily out of the picture; and he would have a few comments about the design, particularly the large amount of surface parking and with the price of the land they could think about stacking uses and not lose so much valuable land to surface parking; that he applauded their efforts and suggested it also be discussed with the Buffalo Bayou Partnership who already had a master plan for the area; and he promised they would get his design critique; and Mr. Giraldo thanked Council Member Brown and stated that he knew he was an architect. Council Member Holm absent.

Upon questions by Council Member Lovell, Mr. Giraldo stated that the site was the KBR property; that they had not purchased the land but had met with them several times and they

were waiting for an offer; that they loved the project and right now were not looking to sell they wanted to develop the land as it represented where the company started a long time ago and they wanted something to leave a legacy of what they had done, but negotiations were in place; and Council Member Lawrence stated the property was also a brownfield and it would take time to do the remediation on it, but the plan was beautiful and she applauded his creative thinking. Council Member Holm absent.

Upon questions by Council Member Noriega, Mayor White stated that this was a great thing about Houston, it was a great city of opportunity and if someone bought property and it met the various codes people could invest in facilities; that the only thing he said to people from time to time was when it would generate a great deal of traffic he wanted to make sure there was good traffic control, but they did not need an endorsement to buy property and build; and he thanked Mr. Giraldo for appearing. Council Member Holm absent.

Mr. Antonio Grijalva, 4801 Woodway, Houston, Texas 77056 (713-784-1181) appeared and stated that he too was advocating the construction of the facility; that they felt the stadium should be located where the fans were and as a center of attraction; that they felt Houston was an international city and it was important to have a venue of the appropriate size and be able to attract international fans also; that he was supportive of the plan in downtown Houston and it would be another jewel in the crown Houston was able to build in the last few years. Council Members Clutterbuck and Holm absent.

Council Member Garcia stated that he appreciated his advocacy and Council always had a chance to hear both sides of an argument and hear where people stood, but on this particular matter they heard more reasons to move forward than not; and he thanked him for lending his support. Council Members Clutterbuck and Holm absent.

Council Member Brown stated that he knew Mr. Gijalva had a financial background; and upon questions, Mr. Gijalva stated that heretofore the city was always involved with helping to fund such venues, examples being the Toyota Center and the baseball venue; that he thought soccer should have the same treatment, it was good for the city. Council Member Clutterbuck absent.

Mr. David Adler, 6750 W. Loop South #120, Bellaire, Texas 77401 (713-666-7576) appeared and stated that he was present on behalf of the Crestwood Glencove Civic Association, about 300 homeowners east of Memorial Park, that they were awoken about 11:30 p.m. last Friday by a fireworks display launched by the River Oaks Country Club and all were upset; and if this was an event the city had to give a permit for he would like to know why it was given to start at 11:30 at night and if there was no permit required what could they do to make sure it would not happen again. Council Member Clutterbuck absent.

Mayor White stated that this was the first he was aware of it; and upon questions, Mr. Adler stated that he spoke with the general manager of the River Oaks Country Club and he said it was a private occasion; and Mayor White stated that he would look at permitting status, what he said made sense. Council Member Clutterbuck absent.

Upon questions by Council Member Khan, Mr. Adler stated that it was last Friday, 11:30 p.m. at the River Oaks Country Club; and Council Member Khan stated that the Fire Marshall provided permits for fireworks and there were stipulations and 11:30 at night was unheard of. Council Members Clutterbuck and Rodriguez absent.

Council Member Holm stated that this was the first she heard of it and was glad the Mayor would be looking into it; that his point was well made; and Mayor White stated that he would ask Mr. Moore and Mr. Fontaine if they were monitoring this he would like someone to get

information and see if it was permitted, etc., and then they would talk to the people as this should not happen. Council Members Clutterbuck, Adams, Holm, Rodriguez, Brown, Lovell and Noriega absent. (NO QUORUM PRESENT)

Ms. Jean Reeves, 5518 Gatewood, Houston, Texas 77053 (713-413-8863) had reserved time to speak but was not present when her name was called. Council Members Clutterbuck, Adams, Holm, Rodriguez, Brown, Lovell and Noriega absent. (NO QUORUM PRESENT)

Mr. Frank Watson, 10910 White Thorn, Houston, Texas 77016 (281-449-7663) appeared and stated that he was from northeast Houston, District B, Armstrong Acres Civic Club and asked those present with him to stand to be recognized. Mr. Watson stated that if necessary they and others would be back, but they were present requesting equal representation and protection under the law and they were irreversibly opposed to having a mounted police stable and canine unit relocated from the quiet, serene and affluent neighborhood of South Post Oak to their troubled area; that in their corridor was located Allied Waste Products Dump and they were in the process of getting the permit renewed so they could continue and they wanted to build it 200 to 300 feet higher; that situated between the dump and the high school was a concrete batching plant and it hurled large clouds of dust frequently and there were negative health and environmental issues; that moving further west they had large trucking companies, General Transport and Crane Works and further west was churches, library, schools and next to the Triple AAA Trucking Company they heard noises from the air breaks and beeping when they backed up and the speaker phone; that at Hurst and Little York there was a four way stop sign and a railroad track which obstructed traffic all through the day and heard the whistle at night and now the city was having property cleared to located the mounted police stable and canine unit and they wanted the assault on their area stopped. Council Members Lawrence, Clutterbuck, Khan and Rodriguez absent.

Council Member Johnson stated that he appreciated Mr. Watson coming and voicing his concern and to the citizens of Armstrong Estates he agreed with them 110%, the city needed to do a better job with planning so communities were not bombarded with unsavory business practices; that northeast Houston had abundant land and with no restrictions people could place what they wanted; that in respect to the horse stable he was sorry the community was not informed prior to the land clearing so they could have met on a common ground, etc., but at this point they had spent several hundred thousand dollars in design and architectural and now clearing land and they were at the point where this was a project, in his estimation, where they try and receive the most and best for the area; that he and the Chief wrote him a letter and he did appreciate the attention the Chief gave to it; that he often heard from this area about the lack of police presence and police attention and there was no reason they should have to bear the burden of the mounted patrol without a benefit and in and from those conversations they now came to the conclusion the mounted patrol would become a storefront where citizens may make reports and there would be a number of officers coming and going from the facility almost 24 hours a day, but to this point, if they shut the mounted patrol down and because there was no land restrictions, what if the city left and another trucking yard or stable came and the city did not control it; that the city was here and they could control it; that many people did want this in their CIP and he understood they were saying send it to them, but with the number of officers and almost an \$8 million investment being made this was an opportunity of making barren land into something spectacular and it would add value to their neighborhood; and Mr. Watson stated that if the city would have come to them perhaps it could be placed elsewhere, but now there was no construction and he felt they could have the rest, but take the horses and dogs somewhere else. Council Members Clutterbuck, Khan and Rodriguez absent.

Council Member Holm stated that Mr. Watson illustrated a good point of things Council wrestled with all the time and that was communication, not having an understanding of what was coming forward, but she did want to go on record though that right now that facility was

located in her district and the community was saddened it was leaving; that it had been a viable and positive part of their community a long time and the only reason it had to leave was because it was on grounds of Memorial Park and after much negotiation if it was not removed the city would lose the entire Memorial Park as it was not a part of the covenant; that she understood his concern, but wanted all to know it was a positive part of their community and they did not feel it was negative in any form or fashion. Council Members Clutterbuck, Khan and Rodriguez absent.

Mayor White stated that he received Mr. Watson's letter and he heard what he said and did agree with what Council Member Johnson said; that he had Mr. Fontaine look at the trains and cameras and Triple AAA trucks and they would see where they had noise violations and enforce it; that when he walked into this job he had many complaints because the stables were to be relocated and it was in the CIP for years, but those living by it did not want to lose the facility, they felt police presence made things safer and the stables created no hazards, but an amenity; that he tried to negotiate with lawyers for the grandkids of those who gave the land to give up their rights to object to the use of it where it was, but the lawyers said there were certain things which could not be waived and if that was allowed to continue then if someone wanted to open a convenience store they would lose the park and that was why it was being moved, but he assured them it was not being moved because of complaints as it was just the opposite, but he would agree no one could dictate to them what they did want next door. Council Members Clutterbuck, Khan and Rodriguez absent.

Council Member Brown thanked all who came and stated that Mr. Watson made a good point and there should be better dialogue between the city and communities; that he was an At-Large Council Member and the first he heard of it was a few weeks ago; and he would suggest to the Mayor's Office that for all At-Large Council Members they get the same advanced notification as a District Council Member and dialogue could be improved; that they also needed better nuisance ordinances, but the design aspect of this could make it better or worse for the community and that was another avenue they had; that maybe there could be a part of this where kids could ride pony's, it could have a park like function with it; and Council Member Johnson stated that this facility actually did do that and he would like to bring up Mr. Dadoush for a synopsis as it would have walking trails, etc.; and Mayor White stated that he should indicate to him when he wanted Mr. Dadoush to come up. Council Members Clutterbuck, Khan, Rodriguez and Noriega absent.

Ms. Ina Watson, 10910 White Thorn, Houston, Texas 77016 (281-449-7663) appeared and stated that she was very disappointed at what was just said; that she did not believe they had to have horses; that they were talking about 46 horses and they wanted equal representation and protection under the law just like the Ashby Group; that the worse thing was people living inches away from the project had well water and research said when you had well water it could be contaminated; that they said people could come to the park, but they were not the rich people and the children lived in an area where the school district was almost insolvent, they were not concerned about riding horses, but about education and they could turn this into an educating center; that they had environmental issues and all Ashby had was traffic; that they did not want disparity but parity. Council Members Clutterbuck, Khan, Holm, Rodriguez and Noriega absent.

Council Member Garcia thanked all for coming and stated that Council Member Johnson laid out very good points, this was a city owned facility and the public would have a great deal of say in terms of operation, etc., and it was a good idea they got a storefront and it was good they would have a walking trail; that horses and dogs were an important part of public safety and he would ask they try and find a common ground; that he was one Council Member who fought to have it in his district; and Ms. Watson stated why could not the Ashby people have it, they wanted equal representation; and Council Member Garcia stated that if the city did not own it

someone would come in like the Ashby people and this was a good opportunity; and Ms. Watson stated that it could contaminate the water supply and she wanted to know if there was a law from placing horses next to residents. Council Members Clutterbuck, Khan, Holm, Rodriguez and Noriega absent.

Mayor White stated that he did make notes and that was one, for someone to check on the issue of the water table. Council Members Clutterbuck, Khan, Holm, Rodriguez and Noriega absent.

Upon questions by Council Member Adams, Ms. Watson stated that their first notification was in January when they put the sign up; and Council Member Adams stated that she did support Council Member Johnson's comments; that Mr. Dadoush did an excellent job with green space, etc., but on future projects, this property was donated to Parks in 2004 and the City of Houston knew something would be put there and she wondered if there was a protocol on notifying constituents on what the city was doing in their community as well as other contractor projects, they asked the contractor notify communities so they could have input; and Mayor White stated that they could always figure ways to do better and he did some investigation based on concerns raised by citizens at the last Council meeting; that his purpose was not to point fingers but to share information and both in the CIP which was public record and in the design contract which was voted on by Council July 27, 2005, was on the Agenda and public and the construction contract was awarded and that was a Council vote and the patrol relocation was even before he came and the location was based on criteria by HPD and in the 2004, 2005, timeframe a site was selected and he tried to kill it because the people did not want to lose it where it was and because he was cheap, but if they did want to be state of the art Google and other map features could be clicked on where every CIP project was and it should be done as soon as possible so people would know locations of the seven year CIP. Council Members Lawrence, Clutterbuck, Sullivan, Khan, Garcia, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Council Member Johnson stated that comments made were absolute and if they would have communicated to them before the grounds were cleared they probably would not be where they were today and he did appreciate them coming; and Ms. Watson stated that other locations were looked at and one was four miles from the city and recommended during Mayor Lee Brown's Administration, but there was an environmental issue and it would take too much to clear, it seemed they were more concerned with horses than citizens. Council Members Lawrence, Clutterbuck, Sullivan, Khan, Garcia, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Ms. Bettie Agnew, 5514 Cedar Hill Lane, Houston, Texas 77016 (281-442-0917) appeared and stated that they continued their quest for fair and equal representation under the law; that they researched to find the list of alternate properties considered before they decided on the Little York site for the mounted police station and research started in 2004, eight other properties were considered besides theirs and disqualified for various reasons, some factors might also apply to their property such as distance and increase cost and flood plain; that maybe Council could consider moving the dogs and horses to a previously considered property and she read a listing of properties; that they also tried to resolve a drainage problem in her neighborhood since 2004; that the city came a scooped dirt from ditches and it created a serious problem they did not have before and their plea was for responsible departments make this a priority and correct the situation before the raining season because swamp water stood in their ditches and it had many consequences. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Upon questions by Council Member Johnson, Ms. Agnew state that the poor drainage was mainly on Cedar Hill, but it stood long in other areas and a representative came from his office

previously and took pictures; and Council Member Johnson stated that he would assume it was the 5500 block of Cedar Hill; and Ms. Agnew stated that would be good. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Mayor White stated to Mr. Norman that apparently this had gotten some attention and he would like a report sent to him and Council Member Johnson on what was being done. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Ms. Mary Holti Ashley, 10910 White Thorn, Houston, Texas 77016 (281-449-7663) appeared and stated that she was from the Armstrong Acres Civic Club and she wanted to go back to three weeks ago when they had an opportunity to meet with Council Member Johnson and the project coordinator and a statement was made by Council Member Johnson regarding the sausage could not be stuffed so she went home and tested it and it could be re-stuffed and now she was encouraged and hopeful and so was present in opposition to the police mounted patrol and canine; that what Council said may sound good to them but benefits were in the eye of the beholder and they did not realize the benefits, they did not want the horses and dogs in the neighborhood and they believed the process insensitive and disrespectful. Council Members Lawrence, Khan, Holm, Garcia, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he appreciated her doing her experiment, but by re-stuffing the sausage he meant he could not change history and he believed they had the right to be informed; that he believed she had recognized they would have a better product and he understood her notion of the horses but he was looking at the officers and what the community constantly and continually asked for and that was granted now with the storefront and officers; and now that she was the last speaker on the subject he would ask Mr. Dadoush to discuss what the facility would bring. Council Members Lawrence, Khan, Holm, Garcia and Noriega absent.

Mayor White stated that with no objection and by unanimous consent he would ask Mr. Dadoush to make a brief statement. Council Members Lawrence, Khan, Holm, Garcia and Noriega absent.

Mr. Dadoush appeared and displayed a drawing of the proposed facility and stated that this was a first class facility which would occupy approximately 15 acres of land, this was a 23 acre parcel off West Little York; that the first thing you would see would be an administration building approximately 1,700 square feet and it would have a canine and mounted patrol police officers station over there; that beyond the administration building the barn had stalls for 46 horses and beyond the barn was the canine facility and for drainage the other four parcels would have a detention pond and grass growing for horses; that this was designed to be a park like atmosphere because they want it to be a first class facility and the reason they could not use other locations was because they were too small. Council Members Lawrence, Khan, Holm, Garcia and Noriega absent.

Mayor White stated that he could not think of a single instance where there was a design and construction contract awarded and the city cancelled the contract and paid penalties and ate the design, he could not think of one single case; and in this case they were not placing a stable there because of industrial facilities being there; and having said that there was something wrong with a system if someone there did not know something was going up until construction started and there needed to be a better way. Council Members Lawrence, Khan, Holm, Garcia and Noriega absent.

Ms. Helen Doris Day, 10911 White Thorn, Houston, Texas 77016 (281-442-5768) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Khan, Holm, Garcia and Noriega absent.

Mr. Myron Hopes, 315 Valley Wood Drive, Spring, Texas 77380 (281-364-8003) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Sullivan, Khan, Holm, Garcia and Noriega absent. (NO QUORUM PRESENT)

Mr. Nassim Joseph, 3903 Drake, Houston, Texas 77005 (713-665-3116) appeared, presented information and stated that he was advised by the Legal Department today, Mr. Jonathan Michaels, that there was a new development in his issue and he was speaking not just on behalf of the Sunset Terrace/Montclair Subdivision but many deed restricted communities in the City of Houston; that there was an issue with builders and contractors currently and going on in their neighborhood where contractors made sworn statements to the city there were no deed restrictions and they obtained their building permits and built their structures and did violate deed restrictions; that Blue River Constructors was constructing a home at 3815 Purdue and in his packet presented it showed no deed restrictions was checked off and the last permit was for a cement fence wall and it was being built on the front property line adjacent to the sidewalk and it blatantly violated their deed restrictions which he also included a copy of; that Mr. Michaels told him he would ask Council to add fence structures to permitting capabilities of the city as fences did not fall under the permitting process for deed restrictions, but he thought they should. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia and Noriega absent. (NO QUORUM PRESENT)

Mayor White thanked Mr. Joseph for bringing this to their attention and stated that within the last year they changed the ordinance because they found a flaw in what they were doing and it was because of citizens that they were able to find flaws. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia and Noriega absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that as she understood this situation the Legal Department was saying they did not have the state law legal authority to enforce this aspect of a deed restriction and individuals could enforce, but the city was precluded by state law; that in her neighborhood sometimes the fence encroached and there was a permit red tag issued; that she was familiar of the fence he spoke of and it was egregious and she would like the inspection department or permitting to look at this and see if we could enforce it; and Mayor White stated that there was a state of play and in the case of the orientation of the building toward the street there was state statutory and state law authority to be able to enforce; that before they got here there were ordinances which said what actions the City Attorney could bring without necessarily going to Council to bring the action, the idea was to list common deed restrictions, there were some things pretty aesthetic like homeowners associations for design features, this predated many of them; that also there was a house supposed to face the street and it did not and later it was amended so it included the orientation of the house to the street and he thought what the City Attorney would recommend would be that they amend this to say restrictions on walls or fences be added to the things the City Attorney could enforce and bring suit against without having to go back to Council, but in this case either the adjacent home owner had rights to bring it as it was a violation of the deed restrictions and he would ask the representative of Legal and Mr. Norman in Public Works, there were forms used for permitting where the builder signed something saying there was no deed restrictions enforced by the city to get this permit and the legal language needed to say there were no "legal" deed restrictions because he was trying to get people for perjury, you should not lie on a document filed with the government; that the form needed to be worded right so the person did not have an easy out and they needed to be reprinted. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia and Noriega absent. (NO QUORUM PRESENT)

Council Member Adams stated that something was happening in her community concerning the same issue about the affidavit and she would like to look at additional ways, not just the affidavit itself, but ways to get support from the community where they go to the civic association and say what they were doing along with the affidavit so there could be support documentation and say the builder was providing correct information to the City of Houston; and Mr. Joseph stated that a contractor down the street at 3819 Drake had a bulldozer hit a street light they installed and it was now leaning over and he was disclaiming any liability and he hoped it was an obligation of the inspectors when they went to job sites to look for such things; that now they were getting cracks in their brand new streets because of the construction trucks being overloaded and he would encourage the city thinking of permits for them to go on the streets. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Khan, Holm and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she would also follow-up on it. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Khan, Holm and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr/Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Khan, Holm and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. James Silvernell, 3206 Elmridge, Houston, Texas 77025 (832-814-6374) had reserved time to speak but was not present when his name was called. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Khan, Holm and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Judy Birdwell, 2921 Sycamore Spring Drive #129, Kingwood, Texas 77339 (281-360-2192) had reserved time to speak but was not present when her name was called. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Khan, Holm and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Claude Brown, 3018 Hohl, Houston, Texas 77093 (832-885-9182) had reserved time to speak but was not present when his name was called. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Khan, Holm and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Joy Wilson, 3914 Lake Hawkins, Richmond, Texas (281-813-5811) appeared and stated that she was aka Justice Peace and owned a legitimate business called Dagrip and the main ingredient was to break the spell of this ignorant act in business, entertainment, church, etc., that she liked to chill and keep it sweet and simple; and continued expressing her personal opinions until her time expired; and presented a disk for Mayor White. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Khan, Holm and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that he was watching and they would give him the gift. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Doris Ceaser, 506 Perry, Houston, Texas 77021 (832-785-1142) had reserved time to speak but was not present when his name was called. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Roberta Prazak, 606 Attingham Drive, Houston, Texas 77024 (713-461-2860) appeared and stated that she came from a TIRZ Meeting where Memorial TIRZ 17 was down to four members; that millions were being spent and all sorts of city planning was going on by three members present and they claimed it a quorum; that her first concern was huge sums of money were being spent on Houston planning, over hundreds of acres being controlled by a quorum of three; that they were taking out private bonds which she had a problem with, but they said because they were private they were not subject to public information or public scrutiny and she felt something was wrong with that; and she would like Mayor White to look into it; that also with all the new high-rise she thought there was not enough public safety protection and would like a new fire station put in on the east side of Sam's Club on the Katy Freeway (I-10). Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Clutterbucl, Khan, Holm and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that notes were taken and the concerns would be passed along. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Khan, Holm and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Michael Lambert, 709 St. Charles, Houston, Texas 77003 (281-404-5576) appeared, presented information and stated that he his message was not anti soccer, not anti soccer stadium or anti participation of the city in a soccer stadium and he did look forward to visit with any and all Council Members in a private setting. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Khan, Holm and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck thanked Mr. Lambert for appearing and stated that tomorrow Council was voting on the TIRZ budget expanding their authority to enter into other items but did not specify a soccer stadium and the second item was purchase of land referred to as for the soccer stadium but actually had no designated use; and upon questions, Mr. Lambert stated that as to the issue of what he believed they were calling a public destination facility he and his neighbors had a decided lack of interest in it and as to the issue of the city buying the property he believed the area would redevelop nicely if left to the private community, he was not opposed to the city buying the property but did believe it was unnecessary and his objection was to the contemplated use. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Khan, Holm and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Rodriguez thanked Mr. Lambert for coming and stated that his office was trying to schedule a meeting with him; and upon questions, Mr. Lambert stated that no one from the Mayor's Office called him; that he and Mr. Norman had talked; and Council Member Rodriguez stated that when they set their meeting he would like someone from the Mayor's Office present. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Khan, Holm and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that she did appreciate the packet he sent; that she did want the downtown area to move east and this was an opportunity; and Mr. Lambert stated that they did not disagree in moving the city across the great divide though they may disagree on a specific use. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Khan, Holm, Rodriguez and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Rudy Sutherland, 2202 Poco Drive, Missouri City, Texas 77489 (713-893-0716) appeared, presented information and stated that his handout was a depiction of the issue of dollars spent with Black owned professional architectural and engineering firms by the City of Houston Public Works and Aviation Departments between fiscal years of 2005 and 2008 and the fact they were not on parity with the Asian an Hispanic groups for the same departments

that they wanted to figure and establish a dialogue to discuss the Code of Federal Regulations, part 49, subpart 26 regarding establishing set asides to deal with the issue. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Khan, Holm, Rodriguez and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Johnson, Mr. Sutherland stated that they would like this to be a continuing dialogue and if it was at all possible they would like to redress the issue of set asides. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Adams, Mr. Sutherland stated that the statistics in his summary came directly from the City of Houston and they were very alarming and structures and procedures needed to be restructured. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Brown stated that he thought they needed to be smarter on promoting minority business in Houston and that fell back to Affirmative Action; that he wanted to know what they were doing to mentor and assist minority paving contractors to rev up their business. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Johnson, Mr. Sutherland stated that he thought a good point of continuation would be to look at the portfolio of work the city anticipated and have an objective view of what opportunities could be; that he did not know if he would get any of the work, he did not do the work he was asking for set asides for, but as he kept digging he kept seeing more; and Council Member Johnson stated that at some point he thought minority firms would start receiving their fair share of the dollars. Council Members Lawrence, Sullivan, Khan, Holm, Garcia, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Mr. Anthony Hurman, 13339 Lakeside Terrace Drive, Houston, Texas 77044 (281-454-5797) appeared and stated that he was present last week with an issue of solid waste not being picked up in his neighborhood and he had previously stated it was a one way in and one way out and led into Deussen Park where the gate closed an hour to the park closing; and as he thought about the gated communities not receiving pickup gated communities needed less officers as there was less crime and in his research he found a neighborhood called Stablewood was gated and received garbage pickup and another was where President George Bush lived, there was another gated community behind Memorial Park and one on Alabama; that he had another problem with HPD and started with Sgt. Allison Williams in auto theft, an unmarked vehicle, he explained that last week also, but it was dangerous for 18 wheeler drivers because of lack of law enforcement with people cutting in front and it was on cameras and law enforcement took no action, but Sgt. Williams cut in front of his truck about five feet on the freeway and he blew the horn and he started riding his breaks until he tapped and broke the bumper and when they stopped he asked him to call his supervisor and he said he was a supervisor and he assaulted him by grabbing him and pushing him onto the back of his trailer and he reached into his pocket and pulled out his wallet, then he started complaining of his back and the officer who did the investigation found he was lying and in the process about 25 or 30 units with cameras and all did a full inspection on his truck and found nothing and the officer said he never saw bakes so tight, but during the process he said his back was hurt and an ambulance was called and he was told the officer was not hurt he just had blood pressure a little high and the officer was standing and laughing with his buddies and it was on camera and then Chief Ottemier wrote a letter stating there was no contact between vehicles, but the officer who

wrote the report was made to white out certain parts and because he did not want to do that was punished; and last time present he spoke of the percentages of Blacks and Hispanics in court and the rudeness of those working there, etc. Council Members Lawrence, Sullivan, Khan, Holm, Garcia, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Council Member Adams stated that on the solid waste issue he said they were denied because they were gated, but that he had proof the city did pickup trash in other gated communities; and she would like to know if there was specifics on where the city could or could not go; and Mayor White stated he knew he was approaching them in good faith, but knew one part of his information was wrong regarding who received public and contract service; that the policy was Houston was the only large city in Texas which provided residential garbage service with no fee associated with it and with private streets people had to get their own collection and it got complicated because Controller Parker and a group of citizens made recommendations because it turned out the city was picking up garbage from private streets and it was against the law so they discontinued and if they were picking up on private streets ...; and generally they did not allow anyone to place gates on public streets and a public street did get public services and one case he gave was denied service; and Mr. Hurman stated that he would like to know how to change that as he paid taxes and they had septic systems and wells and had a shell road until they paid to have it paved themselves, but their money went out and they received nothing and a neighbor's home burned down; and upon questions by Mayor White, Mr. Hurman stated that in lived in Lakeside Terrace and they built a new fire station at West Lake Houston Parkway at Deusen Drive; and Mayor White stated that if people paid taxes they should get services, but the issue of garbage service pickup on public and private streets had been in effect a longtime. Council Members Lawrence, Sullivan, Khan, Holm, Garcia, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that he lived in Precinct 46, Jeff Davis High School, voted for President Barack Obama, Adrian Garcia for Sheriff, Jessica Farrar and Noriega; and wished happy birthday to all Pieces; and wanted to know what the song sounded like that was presented by Ms. Wilson. Council Members Lawrence, Sullivan, Khan, Holm, Garcia, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

At 4:28 p.m. City Council recessed until 9:00 a.m., Wednesday, March 5, 2008. Council Members Green and Jones absent on personal business. Council Members Lawrence, Sullivan, Khan, Holm, Garcia, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, March 5, 2008, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell and Melissa Noriega; Mr. Arturo Michel, City Attorney; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Members Ronald C. Green and Jolanda "Jo" Jones absent on personal business.

At 9:28 a.m. Mayor White called the meeting to order and stated that they would start with the Monthly Financial Report. Council Members Clutterbuck and Garcia absent.

## **MAYOR'S REPORT**

**9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds –

was presented.

Mayor White recognized City Controller Anise Parker. Council Member Garcia absent.

Ms. Parker stated that this was the Monthly Financial Report for the period ending January 31, 2008, that they were still projecting the General Fund would end the year balanced and the December Sales Tax check, which included most of the holiday shopping period was almost 7% higher than December a year ago so the good economic news for the Houston area continued, that they did have a slight difference with the Finance Department on Sales Tax projections, their number was a little bit higher than theirs but they raised theirs first and were going to wait and see a little more time before they made any further adjustments, that she would point out that the Sales Tax number for both of them was more than \$9 million over the original budgeted amount; that upcoming was the certification of the budget and it would become more critical some time within the next month when she gets ready to certify the budget, but again because the revenues had been all in a positive direction this year it should be a fairly painless process and their numbers were very close; that all of the changes to the General Fund Revenue were listed in the MOFAR letter, nothing was particularly noteworthy, numbers up numbers down and she would encourage them to look at the letter for the detail, the same on the expenditure side, a lot of ups and downs but nothing that she thought should stand out to City Council; that there was \$6 million transferred out of Transfers to Other Funds and into General Government, it was the money that would be used for Public Safety Equipment purchases and was part of that unexpected \$25 million of property taxes that Council allocated to various uses; that on Aviation they continued to see a decline in passenger parking at the airport which had cost them to lower slightly their projection for Aviation's Operating Revenues, that expenses were also down due to lower electricity and natural gas costs; that their projection for Debt Payments were up nearly \$18 million but that was simply because there was a possible delay in a grant from the FAA and may not occur during this fiscal year and she had to make adjustments for that, but no major changes in operations; that in C&E lower construction costs were offset by an increase in dollars spent on electrical parts which was causing a net decrease in their Operating Fund and their Capital Expenses were down about \$1.5 million to reflect a delay of some CIP projects, that they also, in C&E, were spending more than \$400,000 in increased interest costs due to higher than anticipated interest in variable rate debt, there was a good deal of discussion about that yesterday at Fiscal Affairs; that for the Combined Utility System, spring rains continue to have an impact, they decreased their revenue projection by \$3.3 million, it had been offset a little bit by the sale of the Willow Street Pump Station, but when they have lower water sales there were also reduction in costs on the other side, so projections for chemicals came down about half a million dollars; that she would conclude with a note on the Annual Financial Report, that she had distributed to Council a status report that was produced as of Friday, they could not complete the report until they had data, that in previous years there had been less than stellar performance on all sides in this process, lack of communication, poor follow through between her office and Deloitte with the departments, that this year the problem was that it was the first annual report produced entirely under the new SAP system, the data was not getting to them and they could not get it to Deloitte to get it into the feedback group, they were approaching a real critical point if they could not get fixed asset data into the system, that not having an annual report as they prepared the budget had impacts on the budgetary process and not having an annual report in a time of very disturbed markets where the rating agencies were looking at them and the bond buyers were looking for any excuse not to pickup their debt could begin to cause problems, that she would repeat as she had said previously there were no fundamental problems in the finances of the City of Houston, the fundamental problem was that the departments had not been able to extract the data from the SAP system in a manner that was useful to the auditors and she would ask the Mayor and Council to do whatever they could, that it was certainly her responsibility to make sure the annual report was out but this was beyond her ability to control at this point, and that concluded her report. Council Member Garcia absent.

Ms. Michele Mitchell, Director, Finance and Administration, stated that as the Controller mentioned their Sales Tax numbers were different, they had increased their estimate by \$1.7 million the Sales Tax were up by 6.62% for December receipts compared to the previous year, which was not as good as they had hoped but they were going to leave it at budget for the remainder of the year, that she would rather be a little bit more conservative given the economic look possibly with energy; that their projection for Other Fines and Forfeitures had increased by \$1.7 million to reflect an accounting correction of interest on liens, however they had been monitoring the collection of Moving Violations, which she mentioned the previous month, from Municipal Courts and Forfeits, so they were now projecting a decrease by \$2 million due to lower than anticipated collections, that she would have a meeting tomorrow with Municipal Court to go over the revenue and to be sure they were on line for \$40 million; that their projection for Charges and Services also had decreased by \$2 million and it was mainly due to the ambulance fees that were collected, which were lower than anticipated, that it was projected that there was going to be a 4% growth in 2008, however their analysis was showing that through January they had the same amount of transports this year that they had last year, so there had not been any growth in the ambulance; that as the Controller stated that General Fund Expenditures was basically unchanged from last month, with some specific reporting on various departments, that she would not go through all that again because she was in total agreement with the Controller's statement, as well as with the Enterprise Funds, which were for Aviation, C&E and Combined Utility Systems, they were both in agreement with the reporting on those departments; that the only other thing that she would add was on Katrina, and that was that the first level appeal to FEMA's Regional Director was submitted on January 14, 2008 for previously denied funding in the amount of \$1.8 million and it was for professional services, the Governor's Department of Emergency Management audit was completed with the determination that FEMA funding totaling \$49 million was proper and fully supported, and that concluded her report. Council Member Garcia absent.

Mayor White stated that he wanted to commend the City Controller and the Administration's F&A functions, in particular Ms. Mitchell and those working for her, that they did not know all of the City employees and their advisors who had been working long and hard on the adjustable rate auction issue which had plagued municipalities for reasons beyond the control of any municipality and he would say and ask the Members of the Council to consider that those underwriting firms from time to time people get lobbied for City business, for public underwriting for this or that reason and some of them had been more helpful than others and this really impressed the administration, where people earned points for good performance when they were seeking City work, those people who were involved, public finance professionals and underwriters, who were taking a more active role in making sure that Houston got good service and good attention, that for the balance of his tenure that was going to be a question that he posed to people when they made underwriter selections, that it was about real money and real services for their public, any basis points that they could shave off and there were some firms that had performed better than other firms, and those were going to be his heroines and heroes in the corporate finance community, and also their professionals working in the Controller's office and F&A; that the City finances were well managed, that he got a note from Ms. Parker, and to Ms. Mitchell and Mr. Moran, if there were some instances of a lack of responsiveness by individual departments and the internal controller type functions where they were not being responsive to requests, he said at the director's meetings, and in the presence of the Controller, that if they did not have qualified people working within the departments who knew how to respond then there were plenty of people that they could recruit to work for the City and if it was some transitional staffing issue then there were a number of firms that were willing to help, they were not the cheapest in the world but on temporary staffing and whatever they needed to do it might be worth their working through about three or four of these instances with directors, so what was requested and what the response was so they could have more accountability for accounting. Council Member Noriega absent.

Council Member Khan stated that yesterday in her report Ms. Parker stated that it was going to cost the City about \$4 million plus or minus and asked if that was \$4 million total or per month and what was the total impact of the problem they were facing just like any other City, that he would like to know how much of the total dollar impact was on the City of Houston finances because of the credit crunch, and Ms. Parker stated that he was correct that the liquidity problems in the bond insurance companies were causing a lot of the problems and that \$4 million was an estimate because the number changed on a daily basis; that she believed that the \$4 million was what it had caused them to date; and Ms. Mitchell stated that she did not think at this moment they could judge if the \$4 million number would go higher, that with the way the markets were and the turmoil in the markets it could be a little higher by the time they went to the market, that they were not expecting it but to be aware that it could happen, and Council Member Khan stated that they would appreciate an update on it; that on the City Performance Report, pages 22 and 23, on two items, he would like to pose a question, on the Lost Time Injuries had gone up from 102 year to date last year to 304 year to date this year, why were they having that big of a jump in lost time due to injuries and also on the Houston Police Department, Crime Labs completed, their objective was 90% completion but actually it was down from 39.8% in 2007 to 11.8% this year, and if somebody could give him some update as to why the numbers were going the way they were shown.

Upon questions by Council Member Holm, Ms. Parker stated that as to the annual report, if she could identify a single problem or a handful of problems and attack them directly they would already have an annual report, that previous years had been difficult and they thought they had addressed all of those communication issues from previous years, that this was unique, she hoped, to this first year under the new SAP Financial System and as they got into it they discovered that some of the initial reports were not functional for them, there had to be new reports created, but a lot of it was, particularly for the Fixed Assets of the City, that they had been maintained within the old Legacy System often on Excel spreadsheets ancillary to the financial system and there was a lot of data conversion that did not go well and it did not line up with last year's books, that as long as they could tie they could explain but if they could not tie they could not create the new annual report, that in response to what the Mayor stated they had stepped up the feedback and were meeting on a regular basis with the departments and they understood what they were trying to do, that she did not want to imply that anyone was not working hard and she thought that there may be times when it had not been a priority and these were folks who had ongoing responsibilities and were constantly engaged in them but at this point they were in a crisis mode and the administration and the previous Finance Director and Ms. Mitchell had sat with her in the meetings and said if she needed to hire a temporary firm to come in and do it to tell them, that the departments had to make that decision and move it forward, that she did not know what their staffing needs were and could not tell them what to do, that she knew that some of the inquiries recently had come from having to do with the Prop 1 and Prop 2 litigation because the annual report also affected that, that once the auditors, Deloitte and Touche finished the basic financial report they were required to certify under Proposition 2 and there had been some heat generated that perhaps they were delaying the audit in some way because of that litigation, that it could not be further from the truth, they were doing their level best to get it out because it did impact the City in a lot of other ways; and Ms. Mitchell stated that she was working very closely with the Controller and believed that the Finance Department needed to take some responsibility as well, even though at the end it ended up with the Controller's office, that they needed to be sure that the directors, and it should be by the Mayor, making it a priority and while they may be working on something else until they got the information to them that was what they needed to work on because they did ask if they needed resources and everyone said no, that their concerns were the rating agencies and they did not want their ratings to drop, and Mayor White stated that he would make sure that Council Member Holm would get a good meaningful response from City Legal as well. Council Members Adams, Garcia, Lovell and Noriega absent.

Upon questions by Council Member Brown, Ms. Parker stated that the annual audit was due on December 31, 2007; that it was an external audit of the City of Houston, that items like commercial trash hauler fees and things like that were divided between her audit responsibilities with the City Auditor and Mr. Moran now had franchise fee audit responsibilities, so if he had a particular current concern he could contact either of their offices; that as to the decline in Moving Traffic Violation Collections, Ms. Mitchell stated that she had a meeting with Municipal Courts tomorrow and she would get back with him on that. Council Member Lovell absent.

After further discussion, Council Member Clutterbuck moved to accept the Monthly Financial Report, seconded by Council Member Khan. All voting aye. Nays none. Council Members Green and Jones absent on personal business. Council Member Lovell absent. MOTION 2008-0169 ADOPTED

Council Member Rodriguez stated that he wanted to say thank you to Ms. Bertha Flores who provided the breakfast for the City Council, that she was an East End business owner, Café Flores, which was located at Lawndale and Wayside, and he encouraged his colleagues to go by. Council Member Lovell absent.

Council Member Garcia moved to suspend the rules to consider Item Numbers 14 and 37 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Green and Jones absent on personal business. Council Member Brown absent. MOTION 2008-0170 ADOPTED.

14. ORDINANCE amending Ordinance No. 2007-606 to provide additional funding in the amount of \$280,000.00 and approving and authorizing first amendment to Second Lien Construction Financing Agreement between the City of Houston, **GUIDING LIGHT COMMUNITY DEVELOPMENT CORPORATION** and **WHITNEY COMMUNITY DEVELOPMENT CORPORATION** to increase the funding from \$420,000.00 to \$700,000.00 for eligible costs in connection with the construction of four (4) additional affordable homes for a total of ten (10) affordable homes - **DISTRICT B – JOHNSON** – was presented, and tagged by Council Members Lawrence and Clutterbuck. Council Member Brown absent.
37. ORDINANCE amending Exhibit “A” of City of Houston Ordinance No. 2007-1281 by adding two (2) Inspector positions and deleting one (1) Communications Senior Captain Position; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance – **(This was Item 33 on Agenda of February 27, 2008, TAGGED BY COUNCIL MEMBERS GARCIA and ADAMS)** – was presented. Council Member Brown absent.

Council Member Garcia offered the following written motion:

“I move to amend Item 37 on the City Council Agenda of March 5, 2008,

ORDINANCE amending Exhibit “A” of the City of Houston Ordinance No. 2007-1281 by adding two (2) Inspector positions and deleting one (1) Communications Senior Captain Position; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance

to add a new Emergency Operations Senior Captain position to Exhibit “A” to Ordinance No. 2007-1281, the Fire Department Personnel Ordinance, simultaneously with the deletion of the Communications Senior Captain position, to better meet the operational needs of the Fire Department.”

After discussion by Council Members, a vote was called on Council Member Garcia's motion to amend Item No. 37. All voting aye. Nays none. Council Members Green and Jones absent on personal business. MOTION 2008-0171 ADOPTED.

A vote was called on Item No. 37 as amended. All voting aye. Nays none. Council Members Green and Jones absent on personal business. ORDINANCE 2008-0170 ADOPTED AS AMENDED.

### **CONSENT AGENDA NUMBERS 1 through 31**

#### **MISCELLANEOUS** - NUMBERS 1 and 2

1. RECOMMENDATION from Director Houston Airport System for expenditure for specialized training to be conducted by **TEXAS A&M UNIVERSITY** for Aircraft Rescue and Fire Fighting at George Bush Intercontinental and William P. Hobby Airports - \$145,300.00 - Enterprise Fund **DISTRICTS B - JOHNSON and I – RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Green and Jones absent on personal business. MOTION 2008-0172 ADOPTED.
2. RECOMMENDATION from Fire Chief for Extension of Injury on duty leave for Fire Fighter **LORENZO TOLBERT** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Green and Jones absent on personal business. MOTION 2008-0173 ADOPTED.

#### **PROPERTY** - NUMBER 3

3. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Chuck Davis of C. L. Davis & Company, on behalf of Houston Independent School District, for abandonment and sale of Hemphill Street, from Crockett Street to Shearn Street, located in the Baker, Shearne & Riordan Addition, Parcel SY8-046 - **APPRAISERS - DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Green and Jones absent on personal business. MOTION 2008-0174 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 4 through 6

4. **XNET SYSTEMS, INC** for Dell Hardware and Software through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Houston Airport System - \$145,348.67 Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Green and Jones absent on personal business. MOTION 2008-0175 ADOPTED.
5. ORDINANCE appropriating \$1,864,162.06 out of Fleet/Equipment Acquisition Internal Services Fund for the Purchase of Automobiles, Utility Vehicles, Pickup Trucks, and associated equipment for the Police and Fire Departments – was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. ORDINANCE 2008-0171 ADOPTED.
- 5a. **AMEND MOTION #2007-260, 3/7/07, TO PURCHASE** additional Automobiles, Utility

Vehicles, and Pickup Trucks for Police and Fire Departments, awarded as follows:

**PFPP, L.P. d/b/a PLANET DODGE - \$1,330,988.00**

**BABY JACK II AUTOMOTIVE LTD. d/b/a CALDWELL COUNTRY CHEVROLET - \$181,584.00**

**PHILPOTT MOTORS, LTD. - \$104,923.00**

– was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Green and Jones absent on personal business. MOTION 2008-0176 ADOPTED.

6. **RUSH TRUCK CENTERS OF TEXAS, L.P.** - \$170,668.00 and **TEXAS UNDERGROUND, INC** - \$399,520.24 for Combination Vacuum and Sewer Cleaning Trucks with Video Equipment through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Department of Public Works & Engineering - Stormwater Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Green and Jones absent on personal business. MOTION 2008-0177 ADOPTED.

#### **ORDINANCES** - NUMBERS 8 through 30

8. ORDINANCE relating to the issuance of City of Houston, Texas Airport System Subordinate Lien Revenue Refunding Bonds, Series 2008A (AMT), and such other series or subseries as designated herein and providing for the payment thereof; authorizing the Mayor and City Controller to approve the amount, interest rate, price and terms thereof, determine the outstanding bonds or Notes to be refunded and defeased, and approve certain other procedures and provisions relating thereto; authorizing the refunding and defeasance of certain outstanding Airport System Senior Lien Commercial Paper Notes, certain outstanding Subordinate Lien Revenue Bonds and Special Facilities Bonds; approving the sale of the bonds and authorizing the execution and delivery of a Bond Purchase Agreement, one or more Escrow Agreements by and between the City and the Refunded Note Escrow Agent and Refunded Bond Escrow Agent, and a Paying Agent/Registrar Agreement; authorizing the purchase of Bond Insurance and a Reserve Fund Surety Policy; authorizing a Co-Bond Counsel Agreement and a Special Disclosure Co-Counsel Agreement; making certain findings and other declarations necessary and incidental to the issuance of bonds; and declaring an emergency – was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. ORDINANCE 2008-0172 ADOPTED
9. ORDINANCE approving and authorizing lease agreement between **RMC HP III, L.P., a Texas Limited Partnership, as landlord (“Landlord”)**, and the City of Houston, Texas, as tenant (the “City”), for a total of 23,178 square feet of space located at 601 Sawyer Street, Houston, Harris County, Texas, at a monthly rental of \$34,284.13 during the first twenty-four (24) months and a monthly rental of \$35,732.75 during the following twenty-four (24) months, for use by the Parks & Recreation Department - \$840,202.56 - General Fund - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. ORDINANCE 2008-0173 ADOPTED
10. ORDINANCE approving and authorizing agreement between the City of Houston, **AFFORDABLE COMMUNITIES DEVELOPMENT CORPORATION** and **CAPITAL ONE COMMUNITY DEVELOPMENT CORPORATION II** to provide a second lien construction loan of Federal “HOME” Funds in the amount of \$700,000.00 for eligible costs in connection with the construction of ten (10) affordable homes - **DISTRICT D - ADAMS** –

was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. ORDINANCE 2008-0174 ADOPTED

11. ORDINANCE approving and authorizing agreement between the City of Houston, **SUNNYSIDE PLACE COMMUNITY DEVELOPMENT CORPORATION** and **CAPITAL ONE COMMUNITY DEVELOPMENT CORPORATION II** to provide a second lien construction loan of Federal "HOME" Funds in the amount of \$700,000.00 for eligible costs in connection with the construction of ten (10) affordable homes - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. ORDINANCE 2008-0175 ADOPTED
12. Omitted
15. ORDINANCE amending Ordinance No. 2007-608 to provide additional funding in the amount of \$490,000.00 and approving and authorizing first amendment to Second Lien Construction Financing Agreement between the City of Houston, **MACSC AND HOUSING, INC** and **WHITNEY COMMUNITY DEVELOPMENT CORPORATION** to increase the funding from \$210,000.00 to \$700,000.00 for eligible costs in connection with the construction of seven (7) additional affordable homes for a total of ten (10) affordable homes - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. ORDINANCE 2008-0176 ADOPTED
17. ORDINANCE approving and authorizing contract between the City and the **SALVATION ARMY HOUSTON, TEXAS** for Elderly Services - \$135,440.09 - Grant Fund – (Note: The City Secretary announced in error that Item No. 17 had been removed for separate consideration and later in the meeting Motion 2008-0179 was adopted to reconsider Item No. 17 so there was no confusion of Council's consideration of the ordinance.

#### **NEED EXPLANTION ON THIS ONE**

19. ORDINANCE approving and authorizing Interlocal Agreement among the City of Houston, **HARRIS COUNTY** and **HARRIS COUNTY FLOOD CONTROL DISTRICT** for the Development of a Multi-Use Detention Basin that includes City-owned property on the north bank of Halls Bayou **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. ORDINANCE 2008-0177 ADOPTED
20. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY FLOOD CONTROL DISTRICT** for the Development of a Multi-Use Detention Basin that includes City-owned property on the south bank of Halls Bayou - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. ORDINANCE 2008-0178 ADOPTED
21. ORDINANCE amending Ordinance No. 2005-663 (passed by City Council on May 15th 2005) to increase the maximum contract amount for Contract No. C57021 between the City of Houston and **MOTOROLA, INC** for Software Technical Support Services for the Information Technology Department - \$185,325.00 - Central Service Revolving Fund – was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. ORDINANCE 2008-0179 ADOPTED
22. ORDINANCE amending Ordinance No. 2002-1180 (passed by City Council on December

- 18, 2002) to increase the maximum contract amount and approving and authorizing the first amendment to contract between the City of Houston and **GRACE INDUSTRIES, INC** for Repair Maintenance Services for the Fire Rescue Monitoring and Accountability System for the Houston Fire Department - 6 Years - \$1,896,711.95 - General Fund – was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. ORDINANCE 2008-0180 ADOPTED
24. ORDINANCE approving and authorizing contract between the City of Houston and **VENTYX, INC** for Software Maintenance and Support Services for the Automated Mapping, Routing and Scheduling Service Order System; providing a maximum contract amount - 3 Years with two one-year options - \$1,614,893.26 - Enterprise Fund – was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. ORDINANCE 2008-0181 ADOPTED
25. ORDINANCE awarding contract to **AMERICAN CADASTRE, LLC d/b/a AMCAD**, and appropriating \$800,000.00 out of Equipment Acquisition Consolidated Fund for a Vital Statistics Imaging and Retrieval Information System for the Bureau of Vital Statistics of the Health & Human Services Department; providing a maximum contract amount - 3 years with two one-year options \$1,242,363.99 - Health Special and Equipment Acquisition Consolidated Funds – was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. ORDINANCE 2008-0182 ADOPTED
26. ORDINANCE appropriating \$335,830.00 out of Police Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **MORRIS ARCHITECTS, INC** for Tactical Training and SWAT Rifle Ranges, WBS G-000088-0004-3 – was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. ORDINANCE 2008-0183 ADOPTED
27. ORDINANCE appropriating \$5,000,000.00 out of Airports Improvement Fund and approving and authorizing Professional Consulting Services Contract by and between the City of Houston and **HNTB CORPORATION** for the Preparation of an Environmental Impact Statement at George Bush Intercontinental Airport/Houston; WBS A-000540-0002-1-01, (Project No. 589) - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. ORDINANCE 2008-0184 ADOPTED
28. ORDINANCE appropriating \$300,000.00 out of General Improvement Consolidated Construction Fund, \$320,000.00 out of Solid Waste Consolidated Construction Fund, \$355,000.00 out of Public Library Consolidated Construction Fund, \$300,000.00 out of Parks Consolidated Construction Fund, \$265,000.00 out of Public Health Consolidated Construction Fund and \$200,000.00 out of Fire Consolidated Construction Fund as an additional appropriation for minor construction of city facilities under a Job Order Contract with **WILLIAMS & THOMAS, LP dba JAMAIL CONSTRUCTION** (approved by Ordinance No. 2007-167), WBS D-000108-0002-4, L-000JOC-0001-4, E-000JOC-0001-4, F-000585-0002-4, H-000069-0002-4, C-0000EQ-0001-4, and approving and authorizing first amendment to the Job Order Contract – was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. ORDINANCE 2008-0185 ADOPTED
29. ORDINANCE appropriating \$94,620,351.00 out of Water & Sewer System Contributed Capital Fund, \$51,719,021.00 out of Water & Sewer System Consolidated Construction Fund, and appropriating and transferring \$39,258,294.00 out of Combined Utility System General Purpose Fund into the Water & Sewer Construction City Contribution Fund and

appropriating such funds out of Water & Sewer Construction City Contribution Fund, and authorizing the appropriation of the additional \$39,258,294.00 out of Water & Sewer System Consolidated Construction Fund to be used only as an alternative in whole or in part to the \$39,258,294.00 appropriation from the Water & Sewer Construction City Contribution Fund in the event and to the extent the level of cash receipts necessitate the substitution of funds (total appropriation to be expended on this project not to exceed \$185,597,666.00), awarding contract to **PEPPER-LAWSON / OSCAR RENDA, JV** for Southeast Water Purification Plant Expansion, WBS S-000012-0020-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, site security services, and contingencies relating to construction of facilities financed by the Water & Sewer Contributed Capital Fund, the Water & Sewer System Consolidated Construction Fund and the Combined Utility System General Purpose Fund **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. ORDINANCE 2008-0186 ADOPTED

30. ORDINANCE appropriating \$8,909,427.59 out of Metro Project Commercial Paper Series E Fund and \$1,772,472.41 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for Neighborhood Street Reconstruction Project 438A, WBS N-000371-0002-4, S-000500-0049-4 and R-000500-0049-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund & Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; G - HOLM and H - GARCIA** – was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. ORDINANCE 2008-0187 ADOPTED

**MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:**

**ORDINANCES**

7. ORDINANCE **AMENDING ARTICLE II OF CHAPTER 44 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to coin-operated machines; adding a new definition; amending certain terms; specifying certain offenses, and containing other provisions relating to the foregoing subject; providing for severability; providing for an effective date – was presented.

Council Member Lawrence stated that she wanted to compliment the Regulations and Neighborhood Protection, that they decided to bring it back to committee to relook at it so that the new Council Members could understand what was going on in their districts as far as a lot of crime, that there were a number of changes that they had made in the committee meeting that she thought really stiffened the ordinance, that her Chief of Staff was passing out the changes.

After further discussion by Council Members, a vote was called on Item No. 7. All voting aye. Nays none. Council Members Green and Jones absent on personal business. Council Members Clutterbuck and Garcia absent. ORDINANCE 2008-0188 ADOPTED.

Council Member Rodriguez moved to suspend the rules to consider Item Numbers 35 and 35a out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Green and Jones absent on personal business. Council Members Clutterbuck and

Garcia absent. MOTION 2008-0178 ADOPTED.

35. ORDINANCE appropriating a total of \$15,942,042.00 from the reimbursement of Equipment/Projects Fund (Fund 1850), approving and authorizing the purchase of land known as Blocks 203, 204, 205, 218 and 219, SSBB, Harris County, Texas, from the following parties, as their respective interests appear: (1) Louis Macey, Trustee, on behalf of a trust created pursuant to an agreement dated November 17, 1997, (2) Louis Macey, Trustee, on behalf of undisclosed parties; (3) Macey Family Properties, Ltd., a Texas Limited Partnership; and (4) Macey Family Properties II, Ltd., a Texas Limited Partnership; approving necessary documents related thereto, including certain agreements related to parking and the demolition of existing improvements; finding and determining that public convenience and necessity no longer require the continued use of a portion of public street right-of-way consisting of Jackson Street between Rusk Avenue and Capitol Avenue; vacating and abandoning said public street right-of-way to the abutting owners Macey Family Properties II, Ltd., a Texas Limited Partnership and LAM Block 100, Ltd., a Texas Limited Partnership, as their respective interests appear, for the appraised fair market value; approving the conveyance of the City's interest in the real property underlying such street to the abutting owners Macey Family Properties II, Ltd., a Texas Limited Partnership and to LAM Block 100, Ltd., a Texas Limited Partnership, as their respective interests appear, for the appraised fair market value while reserving and retaining easement rights for the public utilities currently in place until the abutting owners grant acceptable permanent utility easements to the City and move the utilities to such easements at their expense - **DISTRICT I – RODRIGUEZ – (This was Item 15 on Agenda of February 27, 2008, TAGGED BY COUNCIL MEMBERS JONES, SULLIVAN, LAWRENCE, JOHNSON, HOLM, KHAN, GREEN and CLUTTERBUCK)** - was presented. Council Member Clutterbuck absent.

After discussion Council Member Johnson stated that in building stadiums there was not a lot of MWBE's and he was going to submit an amendment to Item Numbers 35 and 35a and then withdraw the amendment, that requested that they look at opportunities for MWBE participation as follows:

"Pursuant to the City of Houston's acquisition of land known as Blocks 203, 204, 205, 218 and 219, South Side of Buffalo Bayou (S.S.B.B.), Harris County, Texas the City of Houston and/or TIRZ#15 shall retain title to said property while allowing private use through a long-term renewable ground lease to said property for periods of 30 to 99 years and record in the restrictive covenants that:

1. Any development of said property shall comply with the City of Houston's MWDBE/SBE Program requirements pursuant to Code of Ordinances Section 15, Articles V, VI and IX in all aspects of the development and operation, including but not limited to, construction, concessions, maintenance, leasing and operations."

Council Member Johnson stated that he did understand that this was just the conveying of the land and that at another time they would then come back and have an opportunity to look at how do they create opportunities for more MWBE; that he would like to get the Mayor's input and feedback in respect to what they might be able to do as a City.

Mayor White stated that he would remind people that there was no agreement nor could there be any agreement without Council approval to somehow dispose of the land or to commit the land to a particular project, whatever that may be, that just to remind people they were talking about acquiring certain property and they routinely dispose of various properties; that there were several alternatives that they had, one alternative would be to lease it for a public destination place with a very large amount of private investment using the type of TIRZ, things

they had done at Greenspoint Mall, Pavilions, etc., but there was no transaction like that because he thought they were not in the business of providing most of the financing for these facilities as was done with other venues with public funds; that another alternative would be to have an RFP where they sold or disposed of all this land on a competitive process as a catalyst for the redevelopment of that area, perhaps even at a profit to the City; so those were some of the alternatives they faced but they were not in front of them, but he would say clearly, when he had met with any groups who had various proposals at various times to have destination venues on public property, in particular the Dynamo's ownership group, he had on numerous occasions, in terms which were clear, made sure that they understood to the extent that there was any public involvement at all that there would be MWBE requirements both in connection with construction and operations and that had been customary in their community, that at that time if there was a particular proposal that comes forward to Council he had committed to them and others that they would have full and fair debate on that aspect or any other aspect of it.

After further discussion by Council Members, a vote was called on Item No. 35. Council Members Clutterbuck, Sullivan and Holm voting no, balance voting aye. Council Members Green and Jones absent on personal business. ORDINANCE 2008-0189 ADOPTED.

35a. ORDINANCE approving and authorizing the conveyance of land known as Block 193, SSBB, Harris County, Texas and the improvements thereon in exchange for (1) \$250,000.00, (2) the acquisition of land known as Block 220, SSBB, Harris County, Texas, and the improvements thereon, from 800 Dowling, LP, a Texas Limited Partnership; and the entering into of a lease-back agreement by the City as "Tenant" and 800 Dowling, LP as "Landlord" of Block 193, SSBB, and the improvements thereon; approving necessary documents related thereto - **DISTRICT I – RODRIGUEZ – (This was Item 15A on Agenda of February 27, 2008, TAGGED BY COUNCIL MEMBERS SULLIVAN, LAWRENCE, JOHNSON, HOLM, KHAN, GREEN, CLUTTERBUCK and JONES)** – was presented. Council Members Clutterbuck, Sullivan and Holm voting no, balance voting aye. Council Members Green and Jones absent on personal business. ORDINANCE 2008-0190 ADOPTED.

13. ORDINANCE amending Ordinance No. 2007-609 to reduce funding from \$700,000.00 to \$210,000.00 and to reduce the number of affordable homes to be constructed from ten (10) to three (3) and approving and authorizing first amendment to second lien construction financing agreement between the City of Houston, **HOLMES COMMUNITY DEVELOPMENT CORPORATION** and **UNITY BANK** - **DISTRICT D – ADAMS** - was presented, and tagged by Council Members Clutterbuck and Lawrence. Mayor White absent. Mayor Pro Tem Garcia presiding.

Council Member Adams stated that she would tag Item No. 13 as well for further information. Mayor White absent. Mayor Pro Tem Garcia presiding.

13a. ORDINANCE approving and authorizing agreement between the City of Houston, **HOLMES COMMUNITY DEVELOPMENT CORPORATION** and **CAPITAL ONE COMMUNITY DEVELOPMENT CORPORATION II** to provide a second lien construction loan of Federal "HOME" Funds in the amount of \$490,000.00 for eligible costs in connection with the construction of seven (7) affordable homes - **DISTRICT D – ADAMS** – was presented, and tagged by Council Members Clutterbuck and Lawrence. Mayor White absent. Mayor Pro Tem Garcia presiding.

16. ORDINANCE approving and authorizing agreement between the City of Houston and **HOUSTON AREA COMMUNITY DEVELOPMENT CORPORATION** authorizing \$3,000,000.00 in Home Investment Partnerships (HOME) Funds for the rehabilitation of a fifty-seven (57) unit single room occupancy complex located at 1414 Congress Street -

**DISTRICT I - RODRIGUEZ** – was presented, and tagged by Council Member Rodriguez. Mayor White absent. Mayor Pro Tem Garcia presiding.

18. ORDINANCE approving and authorizing amendment to Developer Participation Contract between the City of Houston and **EL TESORO DEVELOPMENT, LTD** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One of the El Tesoro Subdivision - **DISTRICT E - SULLIVAN** – was presented, and tagged by Council Members Clutterbuck, Brown and Lawrence. Mayor White absent. Mayor Pro Tem Garcia presiding.

Council Member Clutterbuck requested a point of order and stated that it was her recollection that the City Secretary called Item No. 17 originally as being a squared item, (removed for separate consideration). Mayor White absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia asked for a point of order and stated to Mr. Michel that there seemed to be some confusion, that his colleagues felt that they had squared a particular item that had since been called and passed on the consent agenda, and Council Member Clutterbuck stated that it was her recollection that the City Secretary called Item No. 17 and they skipped it, and Mr. Michel stated that it was a question of whether it was called and whether it was properly before the body.

Council Member Brown stated that on Item No. 18, the DPC that had been tagged, that he looked forward to discussing it with Council Member Sullivan, that it was maybe the worst subdivision plan he had seen in a long time, it had a tortured discontinuous street system which was really dangerous for fire and police access, it had 226 lots, all the same, cookie cutter lots without a single park or destination or amenity within the subdivision, that it was a section of 80 lots that was part of the 226 that had already been approved and he assumed partially built, that he would like to find out how many foreclosures were in the first section of 146 lots and he would like their Traffic Department to take a look at this crazy, weird street system in the development that was caused by the fact that the developer, there were two key pieces of property in there that would allow the streets to be continuous but apparently they were not owned, so he would request some additional information. Council Members Johnson and Garcia absent.

After discussion by Council Members, Council Member Lovell stated that for clarification she would move to suspend the rules to bring back Item No. 17 for reconsideration, seconded by Council Member Noriega. All voting aye. Nays none. Council Members Green and Jones absent on personal business. Council Member Garcia absent. MOTION 2008-0179 ADOPTED.

17. ORDINANCE approving and authorizing contract between the City and the **SALVATION ARMY HOUSTON, TEXAS** for Elderly Services - \$135,440.09 - Grant Fund – was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. Council Member Garcia absent. MOTION 2008-0180 ADOPTED.
23. ORDINANCE amending Ordinance No. 2003-740 to increase the maximum contract amount to Contract 4600000759 (C55205) between the City of Houston and **CONROE GOLF CARS** (formerly known as **E-Z-GO DIVISION OF TEXTRON, INC**) for Golf Cart Leasing Services for Various Departments - \$473,174.00 - General and Park Special Revenue Funds - **DISTRICTS B - JOHNSON; D - ADAMS; F - KHAN and G – HOLM** – was presented, and tagged by Council Member Clutterbuck. Council Member Garcia absent.
31. ORDINANCE appropriating \$1,001,662.00 out of Water & Sewer System Consolidated

Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KELLOGG BROWN & ROOT SERVICES, INC** for Design of North Corridor Consolidation Plan, Package 2A, WBS R-000536-0012-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - JOHNSON** – was presented, and tagged by Council Members Clutterbuck and Lawrence. Council Member Garcia absent.

**MATTERS HELD** - NUMBERS 32 through 38

32. ORDINANCE approving an amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone); authorizing the City Secretary to distribute such plans; determining the portion of tax increment the City will pay from the area annexed into the zone - **DISTRICT I - RODRIGUEZ** – **(This was Item 1A on Agenda of February 27, 2008, TAGGED BY COUNCIL MEMBERS CLUTTERBUCK, HOLM, GREEN, LAWRENCE and JOHNSON)** – was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. Council Member Garcia absent. ORDINANCE 2008-0192 ADOPTED.
33. MOTION by Council Member Khan/Seconded by Council Member Garcia to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$1,420,675.88 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for Bertner Bridge and Paving from Holcombe to S. Braeswood, Package 1, Holcombe to Brays Bayou, WBS N-000722-0001-4 - 1.61% over the original contract amount - **DISTRICT D – ADAMS** – **(This was Item 9 on Agenda of February 27, 2008, TAGGED BY COUNCIL MEMBERS JONES and ADAMS)** – was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. Council Member Garcia absent. MOTION 2008-0180 ADOPTED.
34. ORDINANCE amending Exhibit “A” of City of Houston Ordinance No. 2007-1425 by adding eight (8) Lieutenant positions, six (6) Sergeant positions and one hundred (100) Senior Police Officer positions and by deleting one hundred (100) Police Officer positions; to increase the number of eligible recipients for the Bomb Squad Assignment pay by eight (8) and to extend S.W.A.T. Assignment pay to responders as needed; substituting the amended exhibit as part of the current Police Department Classified Personnel Ordinance – **(This was Item 14 on Agenda of February 27, 2008, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. Council Member Garcia absent. ORDINANCE 2008-0193 ADOPTED.
36. ORDINANCE approving and authorizing contract between the City of Houston and **INTERNATIONAL FORENSIC SCIENCE LABORATORY & TRAINING CENTRE** for Consulting Services for the Houston Police Department; providing a maximum contract amount - \$64,000.00 General Fund – **(This was Item 19 on Agenda of February 27, 2008, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. Council Member Garcia absent. ORDINANCE 2008-0194 ADOPTED.
38. ORDINANCE amending City of Houston Ordinance No. 91-392, which authorized assignment pay for the Police Mentor Program and authorized the Chief of Police to promulgate internal rules and/or guidelines to implement the Police Mentor Program -

\$200,000.00 - General Fund – (**This was Item 34 on Agenda of February 27, 2008, TAGGED BY COUNCIL MEMBER GARCIA**) – was presented. All voting aye. Nays none. Council Members Green and Jones absent on personal business. Council Member Garcia absent. ORDINANCE 2008-0195 ADOPTED.

### **MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Adams stated that she wanted to thank Mayor White and the Planning Department, along with Marlene Gafrick and Mr. Marcotte for continually working together about Regg Street in the Brentwood Community; that she really appreciated the Mayor bringing them together this week to discuss the matter and to let the audience know and the community of Brentwood that they were trying really hard to work with the community and the builders of the particular project to come to a resolution to resolve their problem in Brentwood. Council Members Sullivan and Garcia absent.

Council Member Adams stated that one of the things that she enjoyed doing most as a community leader and a person who enjoyed community was going out to communities to help beautify areas; that she wanted to thank her staff, along with Keep Houston Beautiful and the Solid Waste Management Department, along with the Church of the Latter Day Saints, that this Saturday they were doing a Day of Giving in the Sunnyside area to help seniors paint their homes, improve some of the minor repairs in the Sunnyside Community, that they identified between 13 and 20 lots that they were going to do; that they had a high volunteer base and had already registered 250 volunteers that were going to come together and do the Day of Giving, so anyone who wanted to come out to help they would be meeting at the Sunnyside Baptist Church under the leadership of Pastor Curvey and were going to get out there and do some beautification in the community, that she wanted to thank the Church of the Latter Day Saints for partnering with the District D office to make this day happen. Council Members Sullivan and Lovell absent.

Council Member Lawrence stated that it was Women's History Month; that Charlotte Adams father started Baldwinville in New York as a port city and she went there and worked on it and really help ramrod the founding of that port city, that she then met Augusta Allen and the two of them, along with George Allen came to Houston to start a port city; that the law existed that married women could not have contractual agreements so she put all of her inheritance in her husband, Augustus, name, they bought the land and they were pretty serious about business and looking for investments, that Sam Houston lived next door to her so she named the City Houston, that George died at 28 years old, so George was buried here and they recognized him on the last Houston Birthday; that Augusta, due to his inheritance, and a disagreement that Charlotte had with the family, left her and moved of, so Charlotte stayed here for over 40 years and in her mind she founded Houston and had yet to be recognized; that a niece of her's got a fountain in Baldwin Park, and that was her maiden name, named after her, so she encouraged them to see the fountain and then this Sunday afternoon the Greater Houston Preservation Alliance was going to have a tour of Glenwood Cemetery, on March 9, 2008, and she was sure they would talk about Charlotte Allen's monument that was in Glenwood Cemetery; that she wanted to recognize Charlotte in honor of Women's History Month. Council Member Lovell absent.

Council Member Lawrence stated that last week she forgot to mention an outstanding General Services employee Ray Vargas did, that he spent 24 hours, all night, getting ready at the Thomas Buchanan Northwest Service Center building a display case for various things that Buck had and had collected over the years in the Solid Waste service, that the bookcase was beautiful. Council Members Khan and Lovell absent.

Council Member Lawrence stated that on March 6, 2008 was Allen Greenspace's birthday.

Council Members Khan and Lovell absent.

Council Member Johnson stated that he wanted to congratulate the Phyllis Wheatley Wildcats who were going to the State Championship game in Austin tomorrow, that they played one heck of a game against Jack Yates last week. Council Members Sullivan and Lovell absent.

Council Member Holm stated that Holly Anawaty was a special person to a lot of people in the City and served the City well and had an untimely death in 2006 from a brain tumor, that tonight the City of Houston with the Houston Parks Board, at 5:30 p.m., was kicking off a fund raiser for the new Holly Anawaty Bark Park, which would be part of a 10 acre park out in Council Member Sullivan district, that she encouraged anyone who knew Holly and wanted to be a part of it or that believed in the value of the much needed Bark Parks in the City to maybe be a part of it and come and have some fun as well as to contribute and they could get a lot of information; that it would be at Café Adobe at 5:30 p.m. at Westheimer and Shepherd. Council Members Sullivan, Rodriguez and Lovell absent.

Council Member Garcia stated that on Saturday would be the Northside BOND March On Crime Parade, that BOND stood for Blocks Organized for Neighborhood Defense, that he wanted to thank the Near Northside Community for their continued celebration of safe communities and safe neighborhoods and in support of the Houston Police Department and all of their efforts to keep everyone safe and healthy; that he wanted to commend Captain Holloway with the Central Police Division as well as Captain Anderson with the Robbery Division, they continued to have tremendous success with the work that they were doing, that the Robbery Division, he heard as of late, had taken many more dangerous people off of the streets, that he wanted to commend those individuals for their good work and they would always keep them in their prayers. Council Members Sullivan, Rodriguez and Lovell absent.

Council Member Garcia stated that he wanted to give accolades to BARC, that Conoco Phillips Fun Run had been a part of his district for the last four years and every year they lean on BARC to help make sure that the route is safe of lose dogs in the area, that they wanted to make sure the runners did not get distracted, that BARC had been a great partner in making sure they always had a good sweep of the area, that he wanted to thank all of the inspectors and officers that worked in that particular unit. Council Members Sullivan, Holm, Rodriguez and Lovell absent.

Council Member Garcia stated that he wanted to thank Mayor White for his support of the amendment to the Senior Captain's position in the Fire Department, and in particular he wanted to take the opportunity to acknowledge the leadership of the local fire union, because had they not raised the issue they would have been battling back and forth on one particular position and what it meant or did not mean, but the leadership helped to provide a broad perspective that enabled them to get into a discussion that ultimately led to a win win, that he wanted to thank Jeff Caynon and Local 341 for their leadership. Council Members Sullivan, Holm and Lovell absent.

Council Member Brown stated that he wanted share with the Mayor and Council Members a piece of property in Council Member Lawrence's District off of Antoine that was a strange industrial operation with noise and dust and so forth that was impacting a really nice neighborhood of Sheridan Oaks that backed up to White Oak Bayou, that he had copies of pictures of activities that should not be happening near a single family neighborhood; that his office tried to figure out if they had a permit for all of the earthmoving equipment and no one could tell them if they had a permit and it was something that needed to be checked, that he particularly wanted to show them because the location was exactly the kind of industrial operation they did not want on White Oak Bayou, that it was also at a confluence of a drainage

tributary to White Oak Bayou and as best as he could figure it was about six acres, that it had very poor access, that he did not know what the land was worth, but it would be a great site for a park/detention area in the neighborhood and would pass around the pictures, that he did not have a lot of information about it, that on the opposite side of the coin of the problem there was the side of opportunity, that it could be a great opportunity, they could see the bayous and so forth, that the pictures of the nasty industrial type of operation with noise, dust, etc., that was taking place there, that the neighborhood would appreciate some feedback on it; that if they did not have a permit they ought to shut them down right away. Council Members Sullivan, Holm and Lovell absent.

Council Member Clutterbuck stated that she wanted to salute a wonderful police officer who they lost this week, Captain Charles Bullock, who served the Houston Police Department for over 46 years, that he had been a captain since 1976 and was the captain of the Fondren Division, the original storefront that turned into a division substation and was instrumental in laying the foundation for turning that area around, that he was the predecessor to Chief Lumpkin and Captain Bruce Williams and Captain Martin; that it was a tremendous loss, that they send their best regards and thanks to his family and would always cherish the memory of Captain Charles Bullock. Council Members Sullivan, Holm and Lovell absent.

Council Member Clutterbuck stated that she wanted to congratulate and salute all of the citizens of the City of Houston who turned out to vote yesterday or during the early voting. Council Members Sullivan, Holm and Lovell absent.

Council Member Noriega stated that she went last night with her son and husband to their caucus and there were probably close to 200 people there who waited patiently for almost an hour to be able to caucus and she thought it was extraordinary. Council Members Sullivan, Holm and Lovell absent.

Council Member Noriega stated that she wanted to congratulate the East End Crime Awareness Committee, they had been successful in getting a new constable patrol out there, that as Chair of the Public Safety Committee it was important that they collaborate and the citizens in that area had worked very hard, including the Chair Larry Lipton, that they had made a real contribution to public safety in the East End and she wanted to congratulate them. Council Members Sullivan, Holm and Lovell absent.

Council Member Adams stated that she wanted to thank the Parks Department, Susan Christian and Joe Turner for last week for the lighting of the Mecon Fountain in Herman Park, that it was a beautiful event and she was proud to be a part of it. Council Members Lawrence, Sullivan, Holm and Lovell absent.

Council Member Adams stated that she wanted to thank the Fountain of Praise Church, they were getting ready to be flooded by over 10,000 women on Thursday, that they were putting together an empowerment women's program for women throughout the Country; that it would be represented by Dr. Juanita Bynam, Dr. Joyce Rogers, Susan Taylor, formerly of Essence Magazine and Dr. Sheryl Brady, that they were coming together at the George R. Brown Convention Center, that she would be a part of the event; that she wanted to thank the Convention and Visitors Bureau for their cooperation and participation in working with her on some special things to help make the event a great occasion, that it would start on Thursday and end on Friday. Council Members Johnson, Sullivan, Holm and Lovell absent.

There being no further business before Council, the City Council adjourned at 11:21 a.m. Council Members Green and Jones absent on personal business. Council Members Johnson, Sullivan, Holm and Lovell absent.

DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary